



CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



SUMMARY MINUTES – JANUARY 14, 2009

OPEN SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

MEMBERS PRESENT:

Anne Sheehan, President
Richard Costigan, Vice President
Maeley Tom, Member
Patricia Clarey, Member

2. REPORT OF THE EXECUTIVE OFFICER

- Suzanne M. Ambrose

- SPB has recently gone live with the Attorney online exam. The initial results showed that 253 people took the exam and 217 passed for an 85% pass rate. On the Sacramento list, there are 2 people in the first rank, 130 people in the second rank, 16 in the third rank and 18 in the fourth rank. The Statewide list has 4 people in the first rank and 187 in the second rank. The first rank includes those with Veterans points.
- Regarding the impending furloughs, SPB staff has talked with all the managers to assess if SPB will be able to close down on those ordered dates. As a result, the Executive Officer has determined that we are able to close business on those days. There may be exceptions, for example, SPB's legal staff may have obligations to be in court, etc., however, their furlough days may be taken at another time during the month.
- The biggest impact the impending furloughs will have on the Department will be in the Appeals Division, relating to the appeals backlog.

3. REPORT OF THE ACTING CHIEF COUNSEL

- Bruce Monfross

- Sandra Morant v. SPB/CSU-LA. The Sacramento County Superior Court has upheld the Board's non-precedential decision finding that appellant was not constructively medically terminated from her employment with CSU-LA, and that appellant failed to provide sufficient reasons as to why the Board should overturn CSU-LA's decision to AWOL separate her after she had failed to report to work for more than five-consecutive days
- McCollum v. State of California, et al. Judge Breyer has issued an order vacating the Feb. 2 trial date pending his ruling on the summary judgment motions, which were heard on December 12, 2008.
- PECG, et al. v. Schwarzenegger, et al. Legal staff intends to monitor and attend the proceedings on January 29, 2009 in Sacramento County Superior Court concerning the Governor's furlough order.

4. REPORT ON LEGISLATION

- Carol Ong

- Staff have been notifying all interested parties regarding the Board's 2009 legislative proposals.
- Staff are in the process of meeting with employee organizations to discuss the 2009 proposals and are still in the process of seeking and meeting with potential authors for these proposals.

5. REPORT ON THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM

- Anne Sheehan

- President Sheehan gave a brief report on the activities of the California Public Employees Retirement System. Her report is attached.

6. REPORT OF THE DEPARTMENT OF PERSONNEL ADMINISTRATION

- Belinda Collins, DPA Representative

- DPA is actively involved with the Governor's Executive Order in the following three tasks:
 - 1) Implementing the furlough.
 - 2) Identifying the least senior 20% employees in General Fund Departments.
 - 3) Assisting Departments in their layoff efforts to achieve a 10% reduction in General Fund use.
- DPA's main emphasis has been on implementing the furlough and through meetings with AD HOC groups, have raised questions that need to be addressed before moving forward with the furlough.
- DPA intends to issue a PML as a notification to Departments on how the furlough will work, and will work on a pay letter with the Controller's Office on how to make the adjustments for those 16 hours that State workers will not be working.
- DPA is still working with those Departments that are not participating in the program. Recently the Governor's office has communicated that they will not apply the furlough to the Constitutional Officers.
- There are three levels of the furlough plan:
 - 1) Departments that will close business on the first and third Fridays of the month.
 - 2) Departments that cannot close business on the first and third Friday of the month, will take two other days off within the same month.
 - 3) Departments that are 24/7 operations. These employees would not be able to take the time off. The furlough program is a 17-month program and these employees that cannot take the two days per month off will have 24 months after the end of the program to use their accrued time off.
- DPA is involved with layoff training. DPA Staff is responsible for reviewing all the Departments layoff plans and then having to compute

seniority scores. DPA's IT staff has been working to automate as much as this process as possible.

- The Department of Consumer Affairs is the first Department that is participating in the Human Resources Quality Review Program, a DPA audit pilot program. The Classification and Compensation Division of DPA is going to have a site visit with the Department at the end of January and from those results, DPA will develop a training program that will assist their employees in how to work on the issues where they are falling short.
- DPA no longer has the state training center, so they are trying to provide resources to those Departments that need the help.
- The Workforce Planning Project now has a website with a toolkit for the Departments that are going through workforce planning efforts and it includes HR MOD's competencies and DPA's guide and model posted on the site.

7. REPORT OF THE HUMAN RESOURCES MODERNIZATION PROJECT

- Raye Zentner, HR MOD Representative

- HR MOD is making changes to their strategic plan to present their semi-annual report to the legislature.
- Although the State is in the midst of the furlough, HR MOD believes there are still employment opportunities within the State of California. Given the economic situation in the private sector, public positions are becoming more attractive.
- The hiring may slow down significantly with the State, however there are still opportunities in the Special Fund Departments within the State of California.
- The Staff Counsel online exam went live December 15, 2008. As of January 13, 2009 over 300 people took the exam and 273 are eligible on that list. Associate Secretary, Marisa Duek and SPB staff members Becky Tietz, Ryan Platt, and Mike Strazzo, along with other stakeholders/sponsors were instrumental in achieving the success of this online examination.
- HR MOD continues to work with these staff members on the Staff Counsel III and IV examinations online in hopes to have them available as soon as April of this year.
- HR MOD is also working to have online examinations for the following classifications: Associate Governmental Program Analyst (AGPA) (March/April 2009), Clerical, Open Staff Services Manager I, II, & III, Auditor, Investigator, Registered Nurse, Physician, and Surgeon. These online examinations, with the exception of the AGPA exam, HR MOD hopes to have available on line as soon as June 2009.
- HR MOD's focus is to create automated, online exams and in working with the SPB's Exams and Test Validation and Construction units, making sure the job analysis are thorough so that the exams are valid and defensible.
- HR MOD continues to work on issues with competencies in the long term. They have all of their steps and methodology to fix those issues,

however, because those classification revisions would have to be negotiated, it may take longer to implement some of the competency models.

- The Scientist competency model project is still on target. HR MOD plans to have a proposal to the SPB by June 2009. The Unions are interested and part of the competency model process.

8. DISCUSSION OF UPCOMING BOARD MEETING SCHEDULED FOR JANUARY 27, 2009, IN SACRAMENTO, CALIFORNIA.

NONE

9. NEW BUSINESS

NONE

10. PROPOSED AMENDMENTS TO TITLE 2, CAL. CODE REGS., § 51.3, CONCERNING ASSIGNMENT OF APPEALS TO APPROPRIATE REVIEW PROCESS

- Dorothy Egel, Senior Staff Counsel, SPB

ACTION: ADOPTED

CLOSED SESSION OF THE STATE PERSONNEL BOARD

11. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS

Deliberations to consider matters submitted at prior hearing.
[Government Code Sections 11126(c)(3), 18653(3)]

12. DELIBERATION ON NON-EVIDENTIARY CASES AND ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES

Deliberations on proposed, rejected, remanded, and submitted decisions, petitions for rehearing, and other matters related to cases heard by Administrative Law Judges of the State Personnel Board or by the Board itself.

[Government Code sections 11126(c)(3), 18653]

13. PENDING LITIGATION

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.
[Government Code sections 11126(e)(1), 18653.]

California Highway Patrol, et al. v. State Personnel Board, et al.
Sacramento Superior Court
Case No. 34-2008-00002G14-CU-WM-GDS

California Department Corrections and Rehabilitation, et al. v. State Personnel Board, et al.

Sacramento Superior Court

Case No. 34-2007-00883875-CU-WM-GDS

Patrick McCollum v. State of California

United States District Court, Northern District of California

Case No. C 04-03339 CRB

Plata, et al. v. Schwarzenegger, et al.

Case No. C01-1351 TEH

14. RECOMMENDATIONS TO THE LEGISLATURE

Deliberations on recommendations to the Legislature.

[Government Code section 18653]

15. RECOMMENDATIONS TO THE GOVERNOR

Deliberations on recommendations to the Governor.

[Government Code section 18653]

16. EMPLOYEE PERSONNEL MATTER

Discussion concerning the appointment and employment of Chief

Counsel candidates. [Government Code section 11126(a)(1)]

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

BOARD ACTIONS:

17. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE NOVEMBER 18, 2008, DECEMBER 2, 2008, AND DECEMBER 16, 2008, BOARD MEETING.

ACTION: ADOPTED

VOTE: Sheehan, Costigan, Tom, Clarey – Aye

18. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF THE NOVEMBER 18, 2008, DECEMBER 2, 2008, AND DECEMBER 16, 2008, CLOSED SESSION BOARD MEETING.

ACTION: ADOPTED

VOTE: Sheehan, Costigan, Tom, Clarey – Aye

19. RESOLUTION EXTENDING TIME PURSUANT TO GOVERNMENT CODE SECTION 18671.1

ACTION: ADOPTED

VOTE: Sheehan, Costigan, Tom, Clarey – Aye

20. SUBMITTED ITEMS

A. CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION'S PROPOSED ESTABLISHMENT OF NEW CLASS, MENTAL HEALTH THERAPIST

Department of Corrections and Rehabilitation proposed the establishment of a new class, Mental Health Therapist, Correctional Facility, with a twelve month probationary period and designation of the class as sensitive under State Personnel Board Rule 213 for the purpose of pre-employment drug testing.

NO ACTION

B. STATE EMPLOYEE MEDIATION PROGRAM

SPB Staff presented different options for administering the State Employee Mediation Program in light of resource limitations. Interested parties were invited to comment. Staff will meet with Stakeholders to obtain additional input and report back to the Board.

NO ACTION

C. RECEIVER'S REQUEST FOR DELEGATION AND MODIFICATION TO PROCESSES

The Receiver's Office requested the Board delegate several classification functions to the Receiver's Office, subject to Board audit, and requested the Board approve revised procedures for reviewing examination and classification requests submitted by the Receiver's Office.

NO ACTION

D. CAREER EXECUTIVE ASSIGNMENT (CEA) REGULATIONS

A public hearing was conducted to provide interested parties an opportunity to address the Board concerning whether the Board should promulgate regulations that address the following issues:

1. Should CEA be defined as a single classification or separate classifications based on pay band?
2. Should an examination be required for CEA realignments "in place"?
3. Should an examination be required to transfer an incumbent CEA to a different CEA position at a higher level regardless of the appointing authority?

NO ACTION

E. LIMITED THREE-RANKS PILOT PROJECT: REQUEST TO ADD A CLASS TO THE PILOT PROJECT

On November 3, 2008, a hearing was held during which the Department of Education requested the addition of the class of Education Programs Consultant to the Three-Rank Eligible List Pilot Study. This hearing allowed interested parties to provide information to the Board regarding subsequent interaction

between the Department and SEIU, the exclusive representative for the classification.

NO ACTION: The Board directed staff to engage in further discussions with stakeholders.

F. PERSONAL SERVICES CONTRACT NO. 08-11

Appeal of the Department of Motor Vehicles from the Executive Officer's August 11, 2008, Decision disapproving a Personal Services Contract for Information Technology Services.

ACTION: The Board adopted the Executive Officer's decision disapproving the personal services contract.

21. ANNOUNCEMENT OF ACTION TAKEN ON EVIDENTIARY CASES

On January 14, 2009, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Sheehan, Costigan, Tom, Clarey - Aye

A. BOARD CASES SUBMITTED

(1) CASE NO. 06-2706PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 7, 2008.

Transcript prepared.

Oral argument set for August 8, 2008, Sacramento.

Oral argument continued.

Oral argument set for October 3, 2008, Sacramento.

Oral argument continued.

Oral argument heard November 3, 2008, Sacramento.

Case ready for decision by FULL Board.

ACTION: The Board issued a Precedential Decision sustaining the Appellant's dismissal.

(2) CASE NO. 04-2605, CASE NO. 04-2614, CASE NO. 04-2606, CASE NO. 04-2607, CASE NO. 04-2608, CASE NO. 04-2611

Cases taken under submission at the December 16, 2008 Board meeting.

ACTION: The Board rejected the ALJ's Proposed Decision and scheduled the matter for hearing before the Board.

(3) CASE NO. 06-2737PA

Appeal from dismissal

Classification: Correctional Sergeant

Department: Department of Corrections and Rehabilitation

Petition for rehearing granted April 22, 2008.
Transcripts prepared.
Oral argument set for August 8, 2008, Sacramento.
Oral argument continued.
Oral argument set for October 3, 2008, Sacramento.
Oral argument continued.
Oral argument heard November 3, 2008, Sacramento.
Case ready for decision by FULL Board.
ACTION: The Board issued a decision sustaining the Appellant's dismissal.

B. ORAL ARGUMENTS

NONE

C. CHIEF COUNSEL RESOLUTIONS, REMANDS, STIPULATIONS, OTHER

- (1) **CASE NO. 06-0014**
Appeal from Dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: SUBMITTED

D. ADMINISTRATIVE LAW JUDGES' PROPOSED DECISIONS

PROPOSED DECISIONS AFTER HEARING

- (1) **CASE NO. 04-0655**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (2) **CASE NO. 08-1582**
Appeal from dismissal
Classification: Workers' Compensation Insurance Supervisor II
Department: State Compensation Insurance Fund
ACTION: The Board adopted the ALJ's Proposed Decision
- (3) **CASE NOS. 07-4492 & 07-4512**
Appeal from five percent reduction in salary for three pay periods and from an official reprimand
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision

- (4) **CASE NO. 06-4080**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (5) **CASE NO. 08-0452**
Appeal from dismissal
Classification: Physician and Surgeon
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (6) **CASE NO. 07-4099**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (7) **CASE NO. 06-4327 & 07-2595**
Appeals from ten percent reduction in salary for 12 months and official letter of reprimand
Classification: Correctional Counselor I
Department: Department of Corrections and Rehabilitation
ACTION: The Board adopted the ALJ's Proposed Decision
- (8) **CASE NO. 07-1920**
Appeal from constructive medical separation and for benefits pursuant to Government Code §19253.5
Classification: Parole Agent I
Department: Department of Corrections and Rehabilitation
ACTION: The Board rejected the ALJ's Proposed Decision and scheduled the matter for hearing before the Board.
- (9) **CASE NO. 06-3735**
Appeal from demotion
Classification: Patrol Lieutenant Supervisor
Department: Department of Fish and Game
ACTION: The Board rejected the ALJ's Proposed Decision and scheduled the matter for hearing before the Board.

(10) CASE NO. 08-2707

Appeal from termination from a limited term position

Classification: Fire Apparatus Engineer

Department: Department of Forestry and Fire Protection

ACTION: The Board adopted the ALJ's Proposed Decision

(11) CASE NO. 07-3440

Appeal from 10 percent reduction in salary for 13 months

Classification: Correctional Lieutenant

Department: Department of Corrections and Rehabilitation

ACTION: The Board rejected the ALJ's Proposed Decision and scheduled the matter for hearing before the Board.

(12) CASE NO. 08-0221

Appeal from non-punitive termination

Classification: Chief Medical Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board adopted the ALJ's Proposed Decision

(13) CASE NO. 06-2882

Appeal from dismissal

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: The Board rejected the ALJ's Proposed Decision and scheduled the matter for hearing before the Board.

PROPOSED DECISIONS AFTER BOARD REMAND

NONE

PROPOSED DECISIONS AFTER SPB ARBITRATION

NONE

ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD

E. PETITIONS FOR REHEARING

(1) CASE NO. 06-4011NP

Appeal from withhold from certification

Classification: Correctional Officer

Department: Department of Corrections and Rehabilitation

ACTION: DENIED

- (2) **CASE NO. 07-0151NP**
Appeal from withhold from certification
Classification: Parole Agent I, Adult Parole
Department: Department of Corrections and Rehabilitation
ACTION: GRANTED
- (3) **CASE NO. 07-3175P**
Appeal from rejection during probation
Classification: Licensed Vocational Nurse
Department: Department of Corrections and Rehabilitation
ACTION: DENIED
- (4) **CASE NO. 07-3822P**
Appeal from medical demotion
Classification: Psychiatric Technician (Safety)
Department: Department of Mental Health
ACTION: GRANTED
- (5) **CASE NO. 08-4368NP**
Appeal from termination of limited-term appointment
Classification: Staff Services Manager I
Department: Department of Conservation
ACTION: DENIED
- (6) **CASE NO. 06-4369P**
Appeal from termination of Career Executive Assignment
Classification: Chief Deputy Warden
Department: Department of Corrections and Rehabilitation
ACTION: DENIED

F. PENDING BOARD REVIEW

- (1) **CASE NO. 07-3421PA**
Appeal from dismissal
Classification: Correctional Officer
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
Oral argument set for February 11, 2009.
- (2) **CASE NO. 07-3302A**
Appeal from dismissal
Classification: Custodian
Department: Department of General Services
Proposed decision rejected December 16, 2009.
Pending transcripts.

- (3) **CASE NOS. 05-4338EA & 05-4339A**
Appeal from denial of reasonable accommodation and constructive medical termination
Classification: Registered Nurse
Department: Department of Corrections and Rehabilitation
Proposed decision rejected September 23, 2008.
Transcripts prepared.
Oral argument set for December 2, 2008, San Francisco.
Oral argument continued.
Oral argument set for February 11, 2009
- (4) **CASE NO. 08-0440A**
Appeal from dismissal
Classification: Correctional Sergeant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
- (5) **CASE NO. 07-1749PA**
Appeal from automatic resignation
Classification: Youth Correctional Officer (Permanent-Intermittent)
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
Oral argument set for February 11, 2009
- (6) **CASE NO. 07-3873PA**
Appeal from dismissal
Classification: Correctional Lieutenant
Department: Department of Corrections and Rehabilitation
Petition for rehearing granted October 21, 2008.
Transcript prepared.
Oral argument set for February 11, 2009

22. ANNOUNCEMENT OF ACTION TAKEN ON NON-EVIDENTIARY CASES

On January 14, 2009, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Sheehan, Costigan, Tom, Clarey - Aye

A. WITHHOLD APPEALS

WITHHOLD FROM CERTIFICATION
CASES NOT HEARD BY A STAFF HEARING OFFICER

- (1) CASE NO. 07-2327N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use.
ACTION: DENIED
- (2) CASE NO. 07-4071N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information.
ACTION: DENIED
- (3) CASE NO. 07-3242N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitted pertinent information.
ACTION: DENIED
- (4) CASE NO. 07-2750N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; furnished inaccurate and incomplete information.
ACTION: DENIED
- (5) CASE NO. 07-3562N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; lifetime firearms prohibition.
ACTION: DENIED
- (6) CASE NO. 06-2547N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use.
ACTION: GRANTED

- (7) **CASE NO. 07-0173N**
Classification: Licensing Program Manager II
Department: Department of Social Services
Issue: Suitability; failed to meet the minimum experience qualifications as required by the examination date.
ACTION: DENIED
- (8) **CASE NO. 07-5599N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative law enforcement contacts.
ACTION: DENIED
- (9) **CASE NO. 07-3257N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative employment history.
ACTION: DENIED
- (10) **CASE NO. 07-3087N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; hard drug use within ten years of applying to the CDCR.
ACTION: GRANTED
- (11) **CASE NO. 07-5396N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; gang association and failure to provide complete and accurate information.
ACTION: DENIED
- (12) **CASE NO. 08-0911N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omitting pertinent information and a felony warrant.
ACTION: DENIED

- (13) CASE NO. 06-3272N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; a negative driving record, omitting pertinent information and furnishing inaccurate information.
ACTION: DENIED
- (14) CASE NO. 07-1331N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; illegal drug use and omission of pertinent information.
ACTION: DENIED
- (15) CASE NO. 07-5423N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; omission of pertinent information.
ACTION: DENIED
- (16) CASE NO. 07-4692N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; lifetime firearms prohibition.
ACTION: DENIED
- (17) CASE NO. 07- 5351N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; negative driving record.
ACTION: DENIED
- (18) CASE NO. 08-1029N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to comply with legal obligations.
ACTION: GRANTED
- (19) CASE NO. 07-6303N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
Issue: Suitability; failure to comply with legal obligations.
ACTION: GRANTED

(20) CASE NO. 07-6304N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

Issue: Suitability; omitted pertinent information.

ACTION: DENIED

B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS

CASES HEARD BY A STAFF HEARING OFFICER

(1) CASE NO. 07-0587N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

ACTION: DENIED

(2) CASE NO. 07-0162N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

ACTION: DENIED

(3) CASE NO. 07-0250N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

ACTION: DENIED

(4) CASE NO. 07-0694N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

ACTION: DENIED

(5) CASE NO. 06-4391N

Classification: State Traffic Officer, Cadet

Department: California Highway Patrol

ACTION: DENIED

(6) CASE NO. 06-3666N

Classification: Correctional Officer

Department: California Department of Corrections and Rehabilitation

ACTION: DENIED

- (7) **CASE NO. 07-2713N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (8) **CASE NO. 07-0508N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (9) **CASE NO. 07-3199N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DENIED
- (10) **CASE NO. 07-3072N**
Classification: Youth Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED
- (11) **CASE NO. 07-2913N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DENIED

DISMISSED CASES

- (1) **CASE NO. 07-4588N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (2) **CASE NO. 08-0475N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (3) **CASE NO. 07-4620N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED

- (4) **CASE NO. 07-4008N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (5) **CASE NO. 07-4592N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DISMISSED
- (6) **CASE NO. 07-4948N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (7) **CASE NO. 07-9438N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (8) **CASE NO. 07-3653N**
Classification: Cadet
Department: California Highway Patrol
ACTION: DISMISSED
- (9) **CASE NO. 07-2880N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (10) **CASE NO. 07-2639N**
Classification: Special Agent
Department: California Department of Justice
ACTION: DISMISSED
- (11) **CASE NO. 07-4167N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED
- (12) **CASE NO. 08-1755N**
Classification: Correctional Officer
Department: California Department of Corrections and Rehabilitation
ACTION: DISMISSED

C. **EXAMINATION APPEALS, MINIMUM QUALIFICATIONS, MERIT
ISSUE COMPLAINTS**

NONE

D. **RULE 211 APPEALS, RULE 212 OUT OF CLASS APPEALS,
VOIDED APPOINTMENT APPEALS**

RULE 211

NONE

RULE 212

NONE

VOIDED APPOINTMENT

NONE

E. **REQUEST TO FILE CHARGES CASES, PETITION FOR
REHEARING**

REQUEST TO FILE CHARGES CASES

(1) CASE NO. 07-3995N

Classification: Correctional Officer

Department: California Department of Corrections and
Rehabilitation

Issue: The charging party requests to file charges against
the charged parties for violations of various subsections of
Government Code section 19572.

ACTION: GRANTED IN PART

(2) CASE NO. 06-1191N

Classification: Maintenance Supervisor

Department: Department of Transportation

Issue: The charging party wishes to file charges against
the charged party for violations against Government Code
section 19572.

ACTION: DENIED

(3) CASE NO. 06-1604N

Classification: Former Chief Psychiatrist

Department: California Department of Social Services

Issue: The charging party requests to file charges against
the charged parties for various subsections of Government
Code section 19572.

ACTION: DENIED

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(4) CASE NO. 06-4227N

Classification: Fire Fighter I, Seasonal

Department: California Department of Forestry and Fire Protection

Issue: The charging party requests to file charges against the charged parties for violations of various subsections of Government Code section 19572.

ACTION: DENIED

23. ANNOUNCEMENT OF ACTION TAKEN ON NON-HEARING AGENDA ITEMS

On January 14, 2009, the Board took the following action on the cases listed as presented by Bruce Monfross, Acting Chief Counsel, California State Personnel Board.

VOTE: Sheehan, Costigan, Tom, Clarey - Aye

A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.

(1) CHILD SUPPORT TECHNICIAN, CHILD SUPPORT ANALYST, AND SENIOR CHILD SUPPORT SPECIALIST, DEPARTMENT OF CHILD SUPPORT SERVICES

The Department of Child Support Services requests the establishment of two new deep classes of Child Support Technician, Department of Child Support Services and Child Support Analyst, Department of Child Support Services; establishment of a new class of Senior Child Support Specialist; Department of Child Support Services; adoption of Alternate Range Criteria 451 and 452; adoption of twelve month probationary period for all three classes; and reallocation of incumbents to the appropriate class.

ACTION: ADOPTED

B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.

THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD proposes to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will

continue to be used, the class specification is included in the board item.

Title	Class Code
Community Youth Resource Specialist	9586
Book Repairer	1300
Supervising Book Repairer	1301
Assistive Technology Specialist II	8234
State Park Ranger -Intermittent-	0984
Physical Therapy Assistant Applicant	8293
Child Development Administrator II	2836
Special Education Administrator II	2751
Career-Vocational Education Administrator II	2724
Education Administrator II	2658
Supervising Field Representative, School Administration	2590
Personnel Services Supervisor I	1305

ACTION: ADOPTED

C. BACKDATE OF APPOINTMENTS

State Personnel Board staff proposes the adoption of the following matters in which departments have requested an employee be appointed retroactively to a position. Staff has reviewed the following requests and has advised the Board of recommended action.

(1) CASE NO. 08-04BD

Request to Backdate Appointment

Classification: Assistant Information Systems Analyst

Department: California Department of Corrections and Rehabilitation

ACTION: ADOPTED

24. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION

(1) DEPUTY DIRECTOR, GEOSPATIAL INFORMATION OFFICER

The Office of the State Chief Information Officer proposes to allocate the above position to the CEA category. The Deputy Director, Geospatial Information Officer (GIO) will develop and implement statewide policy in collaboration with federal, state, and local government leaders and private sector/trade association executives. The GIO will create all policies related to geospatial activities throughout the state and will develop the strategic direction for the Geospatial Information System.

(2) SENIOR VICE PRESIDENT OF INTERNAL AFFAIRS

The State Compensation Insurance Fund proposes to allocate the above position to the CEA category. The Senior Vice President of Internal Affairs will serve as the strategic policy maker in the areas of internal audits, special investigations, public records, and privacy protections. This position will also be responsible for oversight of accounting, auditing, and financial reporting practices, as well as fraud detection.

(3) FISCAL MANAGER

The Department of Industrial Relations proposes to allocate the above position to the CEA category. The Fiscal Manager will work closely with all departmental divisions and programs on matters of fiscal accountability, including developing financial plans and creating a new system to effectively collect all monies. Particular focus will be directed to the Division of Occupational Safety and Health and the Division of Labor Standards and Enforcement.

(4) CHIEF ADMINISTRATIVE LAW JUDGE, APPELLATE OPERATIONS

The California Unemployment Insurance Appeals Board proposes to allocate the above position to the CEA category. The Chief Administrative Law Judge, Appellate Operations, will be responsible for the development and implementation of program and administrative policy. This position will also be responsible for insuring the primary mission of the California Unemployment Insurance Appeals Board is met by administering a system that hears appeals of initial hearings and decisions by Administrative Law Judges in the Field Operations Division.

(5) GENERAL COUNSEL

The Department of Managed Health Care proposes to allocate the above position to the CEA category. The General Counsel will have the authority to establish and implement policy that has statewide impact. This position also has the authority to develop, recommend, and implement all policies and procedures necessary for the successful operation and support of multiple legal programs throughout the Department.

(6) OPERATIONS CHIEF, LOCAL GOVERNMENT FISCAL AFFAIRS

The Office of the State Controller proposes to allocate the above position to the CEA category. This CEA position will oversee and manage the Personnel/Payroll Services Division's bureau charged with local government functions, including payments, accounting, reporting, outreach, and accountability.

(7) BUREAU CHIEF, PROGRAM MANAGEMENT ANALYSIS BUREAU

The Office of the State Controller proposes to allocate the above position to the CEA category. This CEA position will develop and recommend policy for the SCO with respect to statewide programs including Personnel Services, Payroll Services, Collective Bargaining, Salary and Benefit Programs, Management Information Retrieval Systems, Data Management, Statewide Training, Decentralized Security Administration, the California Leave Accounting System (CLAS), and the California Automated Travel Expense Reimbursement System (CalATERS).

(8) BUREAU CHIEF, PERSONNEL/PAYROLL OPERATIONS

The Office of the State Controller proposes to allocate the above position to the CEA category. This CEA position will be responsible for overseeing and managing the Personnel/Payroll Services Division's operational processes for the operating units, including personnel, payroll, employee/employer paid benefits and deductions, taxation and legacy system maintenance and support.

(9) CHIEF PROGRAMMING OFFICER

The California Transportation Commission proposes to abolish the above existing CEA allocation. The Commission has the opportunity to combine the programming responsibilities with the delivery responsibilities, believing this to be the most efficient and productive strategy for meeting the Commission's new, long-term mandates and objectives.

(10) ASSOCIATE DIRECTOR, OFFICE OF BUSINESS SERVICES

The Department of Corrections and Rehabilitation proposes to allocate the above position to the CEA category. The Associate Director will be responsible for developing, implementing and enforcing appropriate policies, providing critical subject matter expertise on matters related to contracting and Small Business/Disabled Veteran Business Enterprises. Additionally this position will develop and implement departmental contracting policies and procedures that include sensitive issues such as conflict of interest or expected standards of ethical and moral behavior.

(11) CHIEF DEPUTY DIRECTOR, POLICY & PROGRAMMING

The California Transportation Commission proposes to combine the duties and responsibilities of the Chief Deputy Director with the Chief Delivery Officer (both CEAs) and abolish the remaining position.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS

(1) DIRECTOR, POLICY AND REGULATIONS, CORRECTIONS SERVICES

The California Department of Corrections and Rehabilitation Plata's request to allocate the above position to the CEA category has been approved effective December 23, 2008.

(2) EXECUTIVE DIRECTOR

The State Water Resources Control Board withdrew the above CEA request on December 16, 2008.

(3-11) EXECUTIVE OFFICER REGIONAL WATER QUALITY CONTROL BOARD, REGIONS 1-9

The State Water Resources Control Board withdrew the above CEA requests on December 16, 2008.

ACTION: NOTED

ADJOURNMENT

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on February 11, 2009.

VOTE: Sheehan, Costigan, Tom, Clarey – Aye



Suzanne M. Ambrose
Executive Officer
California State Personnel Board